

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAQUE BURKHOLDER,	)
Petitioner,	)
	)
vs.	) Civil Action No. 13-153
	) Judge Terrence F. McVerry/
	) Magistrate Judge Maureen P. Kelly
JOSEPH MAZURKIEWICZ; THE	)
ATTORNEY GENERAL OF THE STATE	)
OF PENNSYLVANIA,	)
Respondents.	)

**ORDER**

AND NOW, this 25th day of April, 2013, after the Petitioner, Raque Burkholder, filed an action in the above-captioned case, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties until April 19, 2013, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the Magistrate Judge's Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus ("the Petition") filed pursuant to 28 U.S.C. § 2254 is transferred forthwith to the United States District Court for the Eastern District of Pennsylvania because that is the District wherein Petitioner's state court conviction was obtained, and, as such, it is the proper venue for litigation of the underlying allegations of the Petition.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as

provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

s/TERRENCE F. McVERRY  
United States District Judge

cc: Honorable Maureen P. Kelly  
United States Magistrate Judge

All Counsel of Record by electronic filing